



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/784,678	02/24/2004	Yoshitake Fukaya	Q80089	1894
23373	7590	07/26/2006	EXAMINER	
SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037			SPEER, TIMOTHY M	
			ART UNIT	PAPER NUMBER
			1775	

DATE MAILED: 07/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/784,678	FUKAYA ET AL.
	Examiner	Art Unit
	Timothy M. Speer	1775

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 09 May 2006.
- 2a) This action is **FINAL**.
- 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-8,13-18,23-28 and 33-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-8,13-18,23-28 and 33-36 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
 - 1. Certified copies of the priority documents have been received.
 - 2. Certified copies of the priority documents have been received in Application No. _____.
 - 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 09/14/05.
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____.

DETAILED ACTION

Information Disclosure Statement (IDS)

1. A copy of the 1449 associated with the IDS dated 09/14/05 is included herewith. The reference cited thereon (USPN 4,259,061) has been crossed through, since the reference has been made of record on the "Notice of References Cited" accompanying the Office Action dated 02/09/06.

Claim Rejections - 35 USC §§ 102 and 103

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. Claims 1-3, 6-8 and 13 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Dubetsky (USPN 4,259,061).

The discussion of Dubetsky set forth at paragraph 10 of the Office Action dated 02/09/06 is incorporated herein by reference.

Regarding the newly added limitation that the "exposure of a base material being equal to or less than 1% of a unit area of the oxide coating layer," it is the Examiner's position that this characteristic is inherent in Dubetsky. The articles of Dubetsky are made by substantially the same process as disclosed in the subject specification, i.e., disposing particles in a slurry and applying the slurry to the substrate, and, accordingly, the articles taught by Dubetsky would inherently possess the claimed characteristic (see the subject specification at paragraph [0080] and col. 4, lines 23-26, for example). Since the prior art is silent with respect to the claimed characteristic, a rejection alternatively under with section 102 or 103 of the statute is appropriate (see MPEP 2112).

Claim Rejections - 35 USC § 103

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

5. Claims 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dubetsky as applied above, for reasons at paragraph 12 of the Office Action dated 02/09/06.

6. Claims 14-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dubetsky. The discussion of Dubetsky set forth at paragraph 13 of the Office Action dated 02/09/06 is incorporated herein by reference.

Regarding the newly added limitation that the "exposure of a base material being equal to or less than 1% of a unit area of the oxide coating layer," it is the Examiner's position that this characteristic is inherent in Dubetsky. The articles of Dubetsky are made by substantially the same process as disclosed in the subject specification, i.e., disposing particles in a slurry and applying the slurry to the substrate, and, accordingly, the articles taught by Dubetsky would inherently possess the claimed characteristic (see the subject specification at paragraph [0080] and col. 4, lines 23-26, for example).

7. Claims 23-28 and 33-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dubetsky in view of Takebe (JP 63157832).

The discussion of Dubetsky in view of Takebe set forth at paragraph 14 of the Office Action date 02/09/06 is incorporated herein by reference.

Regarding the newly added limitation that the "exposure of a base material being equal to or less than 1% of a unit area of the oxide coating layer," it is the Examiner's position that this characteristic is inherent in Dubetsky. The articles of Dubetsky are made by substantially the

Art Unit: 1775

same process as disclosed in the subject specification, i.e., disposing particles in a slurry and applying the slurry to the substrate, and, accordingly, the articles taught by Dubetsky would inherently possess the claimed characteristic (see the subject specification at paragraph [0080] and col. 4, lines 23-26, for example).

Response to Arguments

8. Applicant's arguments filed 05/08/06 have been fully considered but they are not persuasive. Applicant argues that the present claims are patentable over the applied art because of the newly added limitation regarding exposure of the base material. For reasons discussed at paragraph 3 above, this argument is not persuasive.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.


Art Unit: 1775

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy M. Speer whose telephone number is 571-272-8385. The examiner can normally be reached on M-Th, M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jennifer McNeil can be reached on 571-272-1540. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Timothy M. Speer


JENNIFER C. MCNEIL
SUPERVISORY PATENT EXAMINER
4/20/06